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Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies

Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies

Report of the Secretary-General*

I. Introduction

1. Since the inclusion of this item in its agenda pursuant to its resolution 49/30 of 7 December 1994, the General Assembly has considered reports of the Secretary-General on the support provided by the United Nations system to the efforts of Governments to promote and consolidate new or restored democracies. By its resolutions 50/133 of 20 December 1995, 51/31 of 6 December 1996, 52/18 of 21 November 1997, 53/31 of 23 November 1998, 54/36 of 29 November 1999 and 55/43 of 27 November 2000, the Assembly commended the Secretary-General, and through him the United Nations system, for the activities undertaken at the request of Governments to support efforts to promote and consolidate new or restored democracies. It also encouraged the Secretary-General to continue to improve the capacity of the Organization to respond effectively to the requests of Member States through coherent and adequate support of their efforts to promote good governance and democratization.

2. The present report, submitted pursuant to General Assembly resolution 55/43, reviews the proceedings of the Fourth International Conference on New or Restored Democracies held at Cotonou, in December 2000, and the Declaration on Peace, Security, Democracy and Development adopted at the Conference. It also describes recent follow-up activities related to international conferences of new or restored democracies. Finally, it offers perspectives and suggestions for the United Nations in the promotion and consolidation of democratic development throughout the world.

II. Fourth International Conference of New or Restored Democracies

A. Main themes of the Conference

3. In its resolution 54/36, the General Assembly invited the Secretary-General, Member States, the relevant specialized agencies and bodies of the United Nations system, as well as other intergovernmental and non-governmental organizations to continue to contribute actively to the follow-up process of the Third International Conference of New or Restored Democracies. The Fourth International Conference of New or Restored Democracies was held at Cotonou,

* The footnote requested by the General Assembly in resolution 54/248 was not included in the submission.

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from 4 to 6 December 2000, the first time in Africa. The Government of Benin organized and hosted the Conference with the assistance of the United Nations Development Programme (UNDP) and the United Nations Secretariat. The Conference adopted the Cotonou Declaration, on peace, security, democracy and development, together with its final report (see A/55/889, annex). The proceedings of the Conference will be published by UNDP towards the end of 2001.

4. For the first time, all Member States were invited to attend the Conference; 111 governmental delegations from Africa, Asia, Europe and Latin America participated, as did representatives of 20 international organizations and bodies. In addition representatives of 51 non-governmental organizations attended the Conference as observers. The Conference was the largest demonstration to date of the widening global trend to strengthen and promote the democratization process in all regions of the world.

5. The Conference held a general debate on national experiences in democracy, peace, security and development. It also held parallel thematic debates on democracy, good governance and development; participation of youth and women in the process of democratization and development; and democracy and the prevention, management and settlement of conflicts.

6. Most of the statements made at the Conference can be grouped around the following four major issues:

(a) What are the best practices for the strengthening of democracy?

(b) How can conflicts be prevented, managed and settled in ways that would preserve democracy?

(c) How can the participation of youth and women in the process of democratization be maximized?

(d) What are the obstacles to the consolidation of democracy?

Best practice in strengthening democracy

7. A broad consensus emerged that, despite the universality of democratic norms and principles, there is no single model of democracy for all countries of the world. Each country must choose its own route to democracy and its own pace for the consolidation of democracy. At the same time, many delegates stressed that democracy was inconceivable without human rights and, in particular, the rights of women, children and minorities, and that it requires the gradual expansion of political space in order to guarantee the full exercise of the political, economic, social and cultural rights of all.

8. Many also emphasized that democracy and the rule of law were inextricably linked. It was also emphasized that, in order to protect the fundamental rights and freedoms of individuals and groups, an effective constitutional and legal framework was required. Another recurring theme was that economic development cannot be achieved without the rule of law and transparency in the management of public affairs.

Democratization and conflict prevention

9. Many participants stressed that the process of building a democracy that is rooted in a culture of tolerance and respect for diversity was a crucial element in strengthening the capacity of a State to prevent, manage and settle conflicts by peaceful means, given that social exclusion, intolerance and unequal access to vital resources were often at the root of today's armed conflicts. A number of delegations stressed that the best way to combat economic and social insecurity, and thus prevent political leaders from exploiting such insecurity to fan conflicts of identity, was to improve education and give greater responsibility to those most affected by it. It was also emphasized that peace was an essential prerequisite for democracy insofar as it allowed communities to use available resources and infrastructure to improve their quality of life, instead of destroying it through ethnic or religious violence. A discussion on the applicability of democratic principles to the prevention and management of conflicts was held at one of the thematic meetings of the Conference.

Participation of young people and women

10. The participation of young people and women in the process of democratization was another major theme of the Conference, with an entire thematic meeting devoted to the question. Statements on the challenge faced by women and young people in many new or restored democracies were made in connection with the need to provide them with more educational and employment opportunities and to protect them from the consequences of war, social dislocation and

disease. It was noted that, in some parts of the world and in Africa in particular, many young people did not attend school and had no gainful employment and therefore constituted a vulnerable target group for recruitment into the armed bands of warlords and political extremists. The consolidation of democracy required greater efforts to offer them hope in the future by providing them with opportunities for education and employment.

Obstacles to the consolidation of democracy

11. With regard to the obstacles to the consolidation of democracy, participants frequently mentioned poverty and its causes, which are rooted in local, national and international economic and social structures. Local structures that create and perpetuate poverty included unequal access to vital resources, such as land, and the lack of other types of productive capital. As regards national structures, mention was made of the absence of, or at times restrictions on democratic rights, without which ordinary citizens lack any say in decisions concerning the distribution of resources and the allocation of funds needed for development projects. With respect to international structures, the inequity of the markets in goods and capital, and in particular the burden of foreign debt, were often mentioned as obstacles. The solutions proposed to respond to these challenges include decentralization as a means of governance that permits local communities to take responsibility for their own affairs at the national level and external debt relief at the international level.

B. Cotonou Declaration

12. The Cotonou Declaration, which was adopted at the end of the Conference, covers a broad range of issues, including peace, security and disarmament; democracy, human rights and fundamental freedoms; and development, poverty eradication and environment. It also contains a large number of recommendations addressed to organizations of civil society, the private sector, donor countries and the international community, the United Nations system and the follow-up mechanism first established at the Third Conference of New or Restored Democracies, held at Bucharest in 1997.

13. In the Declaration, ministers and representatives of new or restored democracies reaffirmed that the power of public authorities must be based on the will of the people, expressed freely in periodic, fair, pluralistic elections, free of intimidation, conducted by universal, equal suffrage and secret balloting and under the supervision of an independent institution, and that public authorities must be accountable for their acts.

14. Also, they vigorously condemned all military coups d'état, all forms of terrorism and violence against democratic, freely elected Governments, all undemocratic means of gaining, wielding and staying in power and all unconstitutional changes of government, and urges the continuation and expansion of activities carried out by the United Nations system, other intergovernmental organizations, Member States and non-governmental organizations to promote and consolidate democracy.

15. Further, they recognized development and poverty eradication as a means of promoting and preserving democratic development. In realizing the new vulnerability of democracy, they vigorously condemned all forms of international terrorism and pledged to take, individually and collectively, such measures as may be appropriate under international law to prevent and combat terrorism and international crime.

16. The Cotonou Declaration thus represents a comprehensive framework for promoting democratic principles and practices throughout the world. It is an important recent addition to the increasing body of resolutions, declarations and other international political and legal materials arising from the Declaration adopted at the First Conference of New or Restored Democracies, held at Manila in 1988.

17. International standards, resolutions or other documents that precede the Cotonou Declaration include the Managua Declaration of July 1994 (A/49/713, annex I); the document entitled "Progress Review and Recommendations", adopted at Bucharest in 1997 (A/52/334, appendix); the Universal Declaration of Democracy adopted by the Council of the Inter-Parliamentary Union in September 1997 (A/52/437, annex IV); decisions 141 (XXXV) and 142 (XXXV) adopted by the Assembly of Heads of State and Government of the Organization of African Unity in July 1999 (see A/54/424, annex II); the Warsaw Declaration adopted at the Community of Democracies Ministerial Meeting in June 2000; the Bamako Declaration of the International Organization of la

Francophonie on the status of democratic practices, rights and freedoms in the francophone world of 3 November 2000; General Assembly resolution 55/96 of 4 December 2000, on promoting and consolidating democracy; Commission on Human Rights resolution 2001/41 of 23 April 2001, entitled "Continuing dialogue on measures to promote and consolidate democracy";[1] and the Inter-American Democratic Charter adopted by the Permanent Council of the Organization of American States at its meeting held at Lima, on 6 September 2001.

18. The Cotonou Declaration, together with the above-mentioned and other international political or legal instruments and statements, has created new momentum for broadened and strengthened international efforts to promote and consolidate democracy. The United Nations stands ready to work with new or restored democracies in the months and years to come towards the realization of the aspirations, goals and recommendations set forth in the Cotonou Declaration. In striving for the attainment of its goals, the United Nations plans to explore, among other things, how the above-mentioned international instruments and other documents have already contributed to the realization of democratic principles and practices from the point of view of international law.

Follow-up mechanism

19. In order to achieve the goals set forth in the Cotonou Declaration, the ministers and representatives of new or restored democracies called upon the Secretary-General to designate a focal point in the United Nations system to support the efforts of Member States to consolidate democracy, and to provide assistance to the follow-up mechanism to the Fourth International Conference of New or Restored Democracies. The Declaration also defines the role of the follow-up mechanism, originally established at the Third Conference, stating that it should be responsible for providing assistance to new or restored democracies, at their request, in the following areas:

(a) Drawing up a list of objectives for democratization programmes and a timetable indicating possible benchmarks for assessing their implementation;

(b) Drawing up a concise list of indicators which are acceptable and useful to the participating States;

(c) Identifying programmes and enabling new or restored democracies to participate in United Nations programmes that deal with issues relating to democratization and good governance;

(d) Promoting and strengthening regional and subregional structures for democratization programmes;

(e) Identifying the preconditions for attracting investment to encourage democratization efforts;

(f) Identifying and carrying out programmes that focus on the human person instead of focusing exclusively on institutions.

III. Recent follow-up activities related to international conferences of new or restored democracies

20. In the follow-up process to the Fourth Conference of New or Restored Democracies, the Government of Benin, after extensive consultations, convened the first meeting of the follow-up mechanism, as provided for in the Cotonou Declaration, on 20 September 2001. Participants stressed that this mechanism should operate in a flexible manner so as to achieve its objectives in an effective fashion. Future meetings will be scheduled to work out a comprehensive blueprint to implement the provisions of the Cotonou Declaration.

21. Two countries have offered to host the Fifth International Conference of New or Restored Democracies. Participants at the Fourth Conference agreed that the follow-up mechanism provided for in the Cotonou Declaration should undertake consultations with these countries to determine the venue of the Fifth Conference.

22. The United Nations has continued to sponsor regional seminars on democratization. One recent example is the seminar on democratization and conflict prevention in South-East Asia in the twenty-first century, which was held at Bangkok in January 2001. This seminar was jointly organized by the Ministry of Foreign Affairs of Thailand, UNDP, the Department of Political Affairs of the United Nations Secretariat and

the Institute of Security and International Studies at Chulalongkorn University.

23. In accordance with General Assembly resolution 55/285 of 7 September 2001, the discussion on the agenda item entitled "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies" will be considered on a biennial basis, starting at the fifty-sixth session and, accordingly, the next report on new or restored democracies will be submitted to the fifty-eighth session of the Assembly. That report will contain an updated inventory of activities carried out by the United Nations system in democratization and governance.

24. Following the second such inventory contained in my 1998 report on new or restored democracies (A/53/554 and Corr.1), I recommended in my 1999 report that the inventory be conducted every third or fourth year, or in years preceding the holding of future conferences of new or restored democracies (A/54/492, para. 35). The General Assembly, in resolution 54/36, endorsed the recommendations contained in that report. As a first step towards updating the inventory of activities of the United Nations system to promote democratization, all departments, offices, funds and programmes will be informed of the contents of the Cotonou Declaration and asked to reflect on the activities within their mandates that may contribute to the attainment of its principles and recommendations. The results of this inventory will be useful for the follow-up mechanism to the Fourth International Conference and in the preparations for the Fifth Conference.

IV. Observations

25. Among the most remarkable achievements of the 1990s has been the near doubling of the number of democracies across the globe. The United Nations has played an important role in supporting this trend through its multifaceted programmes and activities.

26. Support for democratization processes must be based on the clear understanding that there can be no single prescribed form of democracy. To be sustainable, the democratic order of a State must be authentic and reflect the culture, history and political experience of its citizens. Democracy must be seen as a process that requires much more than the conduct of elections. While recognizing the importance for democracy of periodic free and fair elections, a democratic system should also provide opportunities for people to participate fully in all aspects of society. Viewed from this perspective, another essential element of democracy is the rule of law. Democracy must encompass those principles, rules, institutions and procedures that ensure representation and accountability and protect the individual or groups against arbitrary behaviour, injustice or oppression by the State or other actors.

27. In my view, the benchmark for a sustainable democracy is the extent to which a State acts in accordance with universal and indivisible human rights: the civil and political rights, as well as the economic, social and cultural rights defined in international human rights law. I therefore consider the status of human rights to be an important barometer of a healthy democracy. The current state of international human rights law clearly shows that democracy is not only a universally recognized ideal and a goal, but also a fundamental right of citizens.

28. Democracy should also be considered as being intrinsically linked to sustainable development. Democratization is aimed at enlarging people's choices and therefore contributes to poverty eradication and development. States which respect the rights of all their citizens, and in which their citizens have a say in decisions that affect their lives, are also more likely to benefit from the creative energies of their citizens, and to provide the kind of economic and social environment that is conducive to economic development.

29. The growing international trend to condemn unconstitutional removals of Governments or attempts at outright subversion of democracy is a welcome development. The Cotonou Declaration has expanded the scope of such condemnation to new levels. At the Assembly of Heads of State and Government held at Algiers from 12 to 14 July 1999, the Organization of African Unity had decided no longer to admit to its summit meetings leaders who had come to power by unconstitutional means, a decision which the organization has applied at subsequent summit meetings. Similarly, in the Warsaw Declaration adopted in June 2000, the Community of Democracies resolved jointly to cooperate so as to discourage and resist the threat to democracy posed by the overthrow of constitutionally elected Governments.

30. In October 2000, the Inter-Parliamentary Union adopted a resolution on the prevention of military and other coups against democratically elected Governments and against the free will of the peoples expressed through direct suffrage and action to address grave violations of the human rights of parliamentarians. In that resolution, the Union recognized that one of the essential means of preventing threats to democracy was to ensure the full participation of all sectors of society, including women, minorities and vulnerable groups, in democratic processes.

31. At the root of many armed conflicts is the issue of the State and its power, that is, who controls it and how it is used. It is for this reason that the promotion of democratic governance should also be considered as one of the most promising long-term strategies for the prevention of armed conflict, an issue which received special attention at the Fourth Conference of New or Restored Democracies. As elaborated in my recent report on the prevention of armed conflict (A/55/985-S/2001/574 and Corr.1), to be effective a conflict prevention strategy needs to address the multidimensional root causes of conflict through a variety of political, legal, economic and other measures involving the many parts of the United Nations system and incorporating a regional dimension. Some of these activities are directly related to democratization and governance, such as enhancing support for democratic principles such as a fair role for the opposition, equitable access to public media, security sector reform, promoting tolerance and respect for human rights and providing technical assistance for the constitution on national institutions.

32. Experience shows that peace and security are essential preconditions for a healthy and vibrant democracy. When a society is at war, the prevalence of anarchy and destruction make every attempt at democracy elusive. On the other hand, a democratic culture is the best safeguard against war, destruction and terrorism, since it ensures that disputes are resolved in a peaceful and equitable fashion through institutions and procedures that are governed by the rule of law and the norms of universal human rights reflecting the will of the people. Experience shows that the more open and accountable that Governments are to all their citizens, the more likely it is that dialogue prevails over force.

33. The two aforementioned international forums, the Conference of New or Restored Democracies and the Community of Democracies which will have its second major conference at Seoul in 2002, play an important role in mobilizing the political will for advancing democratic values, principles and practices and ensuring that the lessons learned from democratization processes in various parts of the world will not be lost by future generations. Both movements might consider further practical steps for the continuation of the development of a complementary and mutually reinforcing process, with a view to promoting democratization throughout the world in an even more vigorous and concerted way in the future. The follow-up mechanism to the Fourth International Conference of New or Restored Democracies could play an important role in this connection.

34. An overwhelming majority of Member States have participated in the four conferences of new or restored democracies that have been held so far, as well as other recent forums on democracy, and have signed declarations or political statements pledging adherence to democratic principles and practices. The number of activities of Governments, the United Nations system and non-governmental organizations to assist democratization processes has also dramatically increased.

35. The global conferences, assistance programmes and legal instruments should also be complemented by work at regional, national and local levels. The United Nations has promoted and supported regional seminars and workshops that have greatly enhanced knowledge of experiences in democratization in various parts of the world. A recent example is the seminar on democratization and conflict prevention in South-East Asia, which was held at Bangkok in January 2001. It is important to continue these efforts to exchange views and experiences at the regional and national levels. Member States should take up the challenge to explore more systematically lessons learned in the practice of democracy by comparing their experiences with neighbours and civil society alike, and to share the lessons learned with the international community. Regional organizations could also play an important catalytic role in this regard.

36. I stand ready to work together with new or restored democracies and all Member States to achieve the goals set forth in the Cotonou Declaration. This Declaration, together with recently adopted instruments

and statements, has broadened both the political will and scope for greater and stronger international efforts to promote and consolidate democracy in all parts of the world. This is a solid basis for continuing work in this area, which is steadily increasing in importance in a more interdependent and vulnerable world in which our democratic values are still constantly being challenged by undemocratic and violent acts.

Notes

[1] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financial performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the period from 1 January to 31 December 2000

Report of the Secretary-General

Summary

The present report contains the sixth annual financial performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the period from 1 January to 31 December 2000.

In its resolution 54/240 of 23 December 1999, the General Assembly decided to appropriate to the Special Account for the International Criminal Tribunal for Rwanda a total of $86,154,900 gross ($78,170,200 net) for the period from 1 January to 31 December 2000. The recorded expenditure for the period under review amounted to $83,144,800 gross ($75,817,300 net), resulting in an unencumbered balance of $3,010,100 gross ($2,352,900 net).

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I. Introduction

1. The present financial performance report for the International Criminal Tribunal for Rwanda covers the period from 1 January to 31 December 2000 and is submitted in compliance with General Assembly resolution 49/251 of 20 July 1995. In addition, in accordance with Assembly resolution 52/218 of 22 December 1997, the annex to the present report provides detailed actual workload statistics reflecting the activities of the Tribunal.

II. Performance report for 2000

Overall appropriation and expenditure

(Thousands of United States dollars)

Object of expenditure	*Appropriation (a)*	*Expenditure (b)*	*Variance (c)=a-b*
Posts (net of staff assessment)	54 554.9	49 448.6	5 106.3
Other staff costs	1 800.0	1 052.2	747.8
Salaries and allowances of judges (including common costs)	1 678.3	1 672.2	6.1
Consultants and experts	397.0	147.8	249.2
Travel	1 579.6	1 929.7	(350.1)
Contractual services	7 400.0	11 249.4	(3 849.4)
General operating expenses	5 598.5	4 911.9	686.6
Hospitality	4.0	4.7	(0.7)
Supplies and materials	1 437.2	1 631.5	(194.3)
Furniture and equipment	2 624.7	2 736.5	(111.8)
Construction, alterations, improvements and major maintenance	956.0	892.4	63.6
Grants and contributions	140.0	140.4	(0.4)
Staff assessment	7 984.7	7 327.5	657.2
Total (gross)	**86 154.9**	**83 144.8**	**3 010.1**
Income from staff assessment	7 984.7	7 327.5	657.2
Total (net)	**78 170.2**	**75 817.3**	**2 352.9**

Posts (decrease: $5,106,300)

2. The savings reflect higher than anticipated vacancy rates. The average anticipated vacancy rates for continuing posts in the Professional category and above was estimated at 19 per cent; similarly the rate for General Service and related categories was estimated at 13 per cent. Average vacancy rates of 60 per cent and 50 per cent for new posts in the Professional and General Service categories, respectively, were used in the budget estimates. The actual average vacancy rates for the 12-month period were 22.5 per cent in the Professional category and 13.3 per cent among General Service staff.

Other staff costs (decrease: $747,800)

3. The net savings is the result of a savings of $766,300 in general temporary assistance, partially offset by increased requirements in overtime ($18,500). The increase in overtime expenditure is attributable primarily to the need for staff, including drivers and security officers, to work beyond normal working hours during plenary sessions and holidays. The major components of savings in general temporary assistance are lower than anticipated costs for hiring local staff and an inability to identify suitably qualified local staff to provide bilingual services when required.

Salaries and allowances of judges (including common costs) (decrease: $6,100)

4. The net savings is due to the lower number of claims than had been estimated for special allowances to cover the periods during which the Vice-President acts as President ($6,200), offset by an over-expenditure in common staff costs ($100).

Consultants and experts (decrease: $249,200)

5. The savings resulted from: lower than anticipated number of expert witnesses called by the Office of the Prosecutor (only one of three expert witnesses provided for was used); from the use of only four out of the five consultants provided for in the budget; and from the utilization of fewer expert defence witnesses than had been anticipated.

Travel (increase: $350,100)

6. The net increase resulted from unanticipated travel of judges ($75,700), including attendance at a meeting to discuss the implementation of the recommendations of the Expert Group to conduct a review of the effective operation and functioning of the International Tribunals, and travel of legal officers to accompany judges from the Appeals Chamber on three missions to Arusha for the hearing of appeals cases and to attend a plenary session. In addition there were higher than anticipated travel requirements ($304,800) for travel expenses of: the Prosecutor between Arusha and Kigali; the Deputy Prosecutor to The Hague and Arusha; investigations teams within Rwanda; trial teams to Kigali following the late reassignment of all trial teams to Arusha; and a greater number of missions for tracking teams focusing on high-ranking suspects presumed to be located in Europe.

7. These additional requirements were offset by savings of $30,400, resulting from reduced travel of witnesses and travel related to audit activities.

Contractual services (increase: $3, 849,400)

8. The net increase relates to greater than anticipated expenditure for: defence counsel costs attributable in part to fee claims ($2,070,100) for 1999 and partial payments ($827,200) for 2000; defence team pre-trial preparation expenses and travel of defence counsel ($330,631); travel of investigators from the defence teams to countries other than the United Republic of Tanzania to gather evidence and interview witnesses ($311,581); training due to an increase in the number of language classes offered as well as extended training for staff members operating the courtrooms' audio-visual equipment ($85,000); contractual services owing to the lack of available expertise, including payroll and accounting system development

($82,000), post classification ($109,500), court management ($25,000), computer/database assistance ($41,600), media/communications ($26,500), archiving and records management ($15,400), graphic arts ($8,300), translation/transcription services ($11,100) and legal drafting ($3,000), and external printing of additional brochures, pamphlets, posters and journalists' handbooks required for hosting plenary sessions and visiting delegations ($6,380); and medical services provided to detainees in need of special or extra medical attention and hospitalization ($3,900).

9. These additional requirements were offset by savings under contractual security services at Kigali based on a need for fewer security officers than anticipated ($3,700); the periodic reduction in the use of Tanzanian Police Officers, who were recalled to municipal duties ($72,400); the lower than expected cost of vehicle insurance ($6,000); and cleaning and laundry services that cost less than anticipated ($25,700).

General operating expenses (decrease: $686,600)

10. The net savings in general operating expenses was due to savings in miscellaneous maintenance ($4,700), the lower cost of utilities resulting from the Kigali office being connected to the municipality electricity supply ($97,000), savings in communications from lower cost for Internet services, Lexis-Nexis subscriptions, frequency and circuit rentals for hand-held radios and rental of Intelsat communication links ($259,300). In addition, there were savings in witness protection and support because: fewer witnesses than anticipated were called ($213,200); the cost of transferring detainees was reduced as they were flown to Arusha using commercial flights instead of leased aircraft ($150,000); in enforcing sentences the Tribunal did not engage in activities in countries with which agreements on the enforcement of sentences had not been finalized ($168,300); costs for miscellaneous services were less than anticipated ($35,100); and the tracking teams limited their investigations to Europe and focused on high-ranking suspects ($184,400).

11. These savings were offset by higher than estimated expenditure for rental and maintenance resulting from increased rented space and rental rates ($328,000) as well as for the rental of aircraft owing to an underestimation of rental costs and landing and ground handling fees ($97,400).

Hospitality (increase $700)

12. This increase resulted from additional requirements in hosting delegations that visited the Tribunal, including Heads of State and members of the diplomatic corps.

Supplies and materials (increase $194,300)

13. This net increase resulted from over-expenditure in stationery and office supplies needed for: the increased production of documents for the Appeals Chamber and the prosecution and defence teams ($24,500); maintenance, repairs and spare parts for furniture and equipment, including photocopiers, security x-ray/scanning machines, machines used by Court Reporters and generators ($96,200); increased number of subscriptions to newspapers and magazines provided to Judges, Trial Chamber staff, the Legal Reference Library, Press and Public Affairs and detainees ($59,900); audio/visual supplies as a result of the large number of videotapes required for recording court sessions and reproducing exhibits ($68,500);

security and safety supplies, including uniforms for new security officers and replacement uniforms for other security staff ($44,100); and miscellaneous supplies for the detention facility and three safe houses, including bedding, mosquito nets and utensils ($11,500).

14. These over-expenditures were offset by savings under: electronic data-processing supplies and consumables ($7,900); library books and periodicals resulting from the deferred purchase of various journals and periodicals owing to unavailability ($10,200); clothing for detainees and witnesses as fewer detainees and witnesses appeared before the trial chambers ($18,000); medical supplies due to the opening of the clinic mid-year and the postponed purchase of medical equipment ($38,900); food and ration supplies because of the lower cost of locally available meat and vegetable products ($4,100); and petrol, oil and lubricants owing to the use of more efficient controls relative to the use of transport resources ($31,300).

Furniture and equipment (increase: $111,800)

15. This net increase resulted from over-expenditure incurred under office furniture and equipment owing, in part, to a need to customize furniture to fit the limited office space in the new prefabricated offices at Kigali ($27,900); the acquisition of audio-visual equipment for the third courtroom ($38,400); the purchase of vehicle spare parts and the use of local garage services prior to the opening of the Tribunal's Transport and Spare Parts Workshop ($155,100).

16. These over-expenditures were offset by savings in the acquisition of new workshop and networking automation equipment ($30,200); under communications equipment through the use of a more cost-effective option ($63,400); transport equipment (an ambulance) ($4,000); other office equipment, including fewer air conditioning units required at Arusha and Kigali ($5,600); and a reduced requirement for safety and security equipment ($6,400).

Construction, alteration, improvement to premises (decrease: $63,600)

17. The savings resulted from the deferment of projects designed to improve accommodation facilities for Tanzanian Prison Officers at the United Nations Detention Facility ($59,700) and from a reduction in requirements for various construction projects in Arusha and Kigali ($3,900).

Grants and contributions (increase: $400)

18. This over-expenditure resulted from the Tribunal's share of the operating costs of the Field Security Office and the United Nations clinic at Arusha and Kigali.

Staff assessment (decrease: $657,200)

19. The reduction in requirements is consistent with the level of vacancies in the Tribunal as indicated in paragraph 2.

III. Action to be taken by the General Assembly

20. The General Assembly is requested to take note of the present report.

Annex

Performance indicators for 2000

The Chambers

Performance indicators	*2000 projection*[a]	*2000 implementation*
Trials	6	5
Appeals	7	15
Court days	442	237
Plenary days	5	4

[a] See A/54/521.

Office of the Prosecutor

Performance indicators	*2000 projection*[a]	*2000 implementation*
Investigation Unit, Kigali		
Number of investigations	90	120
Public indictments (cumulative since 1995)	36	61
Missions	800	726
Witnesses interviewed	800	1 000
Statements obtained	700	701
Arrests	20	5
Prosecution Section, Kigali		
Motions/applications/responses	160	191
Trials in preparation	7	13
Trials prosecuted	6	5
Trials completed	4	2
Verdicts	4	2
Appeals	16[b]	7
Guilty pleas	-	1
Evidence and Information Support Unit		
Documents indexed	1 000	6 800

[a] See A/54/521.

[b] Number of appeals in 2000 includes full and interlocutory appeals.

The Registry

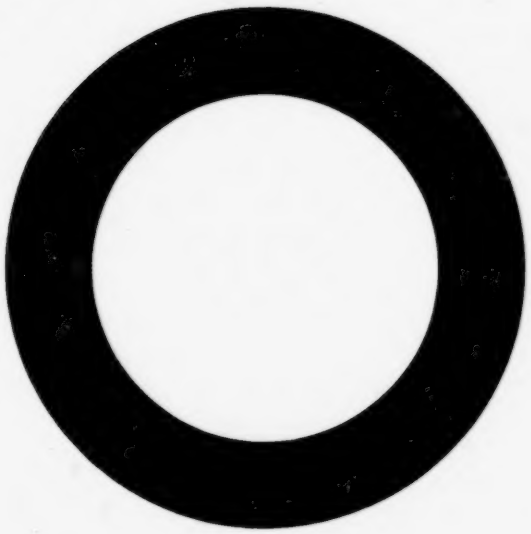
Performance indicators	*2000 projection*[a]	*2000 implementation*
Press and Public Affairs Unit		
Media representatives on distribution list	1 500	1 200
Press releases issued	100	99
Phone queries/document requests — press	1 000	1 370
Phone queries/document requests — public	700	771
Arranged visits by universities, other groups	100	111
News bulletins	6	-
Accredited journalists	340	369
Photographic exhibitions	10	7
Workshops/seminars	5	8
Court Management Section		
Court sessions	442	237
Court transcript pages	99 052	40 585
Documents processed	2 985	25 272
Trials completed	-	2
Witnesses and Victims Support Section		
Witnesses	210	61
Witness support days	2 683	1 246
Relocation requests	38	7
Witnesses with additional protective measures	105	22
Witnesses with additional support needs:		
Medical and psychological	140	28
Clothes and others	187	38
Safe houses	4	4
Lawyers and Detention Facility Management Section		
Legal counsel	50	66
Additional defence team members	50	41
Highest number of detainees	50	44
Chambers Support Section		
Final judgements (English and French)	9	2
Judicial decisions (English and French)	160	420
Arrest warrants (English and French)	15	7
Confirmations of indictment (English and French)	15	6
Rule 40 bis decisions (English and French)	-	-
Annual reports	1	1
Yearbooks	1	-

Performance indicators	*2000 projection*[a]	*2000 implementation*
General Legal Services Section		
Warrants for arrest transmitted	15	5
Legal memos/briefs	45	73
Plenary meetings serviced	1	3
Division of Administration		
Personnel Section		
Staffing table	916	810
Applications received/screened	4 000	7 885
Special service contracts	100	72
Offers of appointment	95	106
Pre-recruitment tests	100	172
Training courses	80	93
Finance Section		
Payroll (regular, extrabudgetary and projects)		
Local staff	390	314
International staff (local portion of salary)	450	417
Monthly financial statements		
Claims (travel, etc.)	$5.5 mil.	$5.934 mil.
Other disbursements	$20.0 mil.	$30.034 mil.
Appropriation level	$90.0 mil.	$86.337 mil.
Extrabudgetary expenditure level	$1.2 mil.	$0.440 mil.
Disbursement vouchers	8 200	8 758
Cheques issued	14 150	16 834
Official receipts issued	2 100	1 516
Financial statements	12	12
Expenditure review and performance reports	12	12
General Services Section		
Work orders completed — major	200	207
Major maintenance projects	17	16
Electrical repair and installation	400	370
BMS generator support	880	1 121
Registry fax/pouch/mail		
Incoming	36 000	64 582
Outgoing	20 000	49 472
Pouches dispatched	1 500	1 500
Pouches received	1 500	1 041
Outgoing faxes (pages)	110 000	140 026
Incoming faxes (pages)	25 000	67 011
Visa applications/residence permits	750	1 889
Purchase requisition orders (PRO.6)	400	500

Performance indicators	*2000 projection*[a]	*2000 implementation*
Shipping on appointment	30	40
Shipping on repatriation	30	30
Shipping on home leave	200	300
Air operations		
Flights	400	397
Passengers	2 000	1 765
Pieces: pouch, cargo, luggage	2 000	2 478
Travel		
Authorizations raised	3 000	1 353
Invoices	3 000	1 262
Procurement		
Purchase orders raised	480	741
Contracts signed	18	4
Local contract committee cases	40	29
Headquarters Committee on Contract cases	6	6
Communication and Information Systems Unit		
Technology/Management		
Local area network supported	5	6
Local area network connections	1 000	1 000
Helpdesk calls	36 000	34 500
Helpdesk calls — support person	18 000	6 900
Helpdesk calls — computer in-site	1 500	1 500
Audio/video court sessions supported	450	334
Communications PABX extensions	1 000	838
Communications support new/move extensions	700	900
Communications trouble-shooting	1 400	3 000
Communications helpdesk	3 400	10 000
Switchboard incoming calls	60 000	270 000
Transport Unit		
Fuel coupons issued	19 300	11 466
Work orders prepared	4 000	1 651
Trip tickets	26 900	6 430
Spare parts issued	3 500	3 619
Language and Conference Services Section		
Translation pages	22 000	21 594
Court interpreter sessions, Arusha	445	333
Field interpreter days, Kigali	4 075	1 325
Reproduction requests (pages)	2 000 000	1 476 820

Performance indicators	*2000 projection*[a]	*2000 implementation*
Security Services Section		
Average number of patrols and posts covered daily	28	54
Staff identification cards issued	1 200	3 772
Visitors' passes issued	1 000	22 433
Officers covering courtrooms and accused	16	16
Officers covering the Tribunal headquarters	75	85
Officers at the United Nations Detention Facility	16	27

[a] See A/54/521.



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Agenda item 131
Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Financial performance report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the period from 1 January to 31 December 2000

Report of the Secretary-General

Summary

The present report contains the sixth annual financial performance report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the year ended 31 December 2000.

In its resolution 54/239 B of 15 June 2000, the General Assembly confirmed its decision to appropriate $106,149,400 gross ($95,942,600 net) to the Special Account for the International Tribunal for the Former Yugoslavia. The expenditures recorded during the period totalled $100,465,700 gross ($89,561,100 net), resulting in a reduction in requirements of $5,683,700 gross ($6,381,500 net).

01-59875 (E) 011101

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I. Introduction

1. The financial performance report for the International Tribunal for the Former Yugoslavia for the period from 1 January to 31 December 2000 is submitted in accordance with General Assembly resolutions 49/242 B of 20 July 1995 and 54/239 B of 15 June 2000.

II. Performance report for 2000

Table 1
Overall appropriation and expenditure
(Thousands of United States dollars)

Object of expenditure	*(1) Appropriation*	*(2) Expenditure*	*(3)=(1)-(2) Variance*
Posts (net of staff assessment)	48 129.8	44 017.1	4 112.7
Other staff costs	9 274.2	9 004.8	269.4
Salaries and allowances of judges (including common staff costs)	2 584.5	2 505.2	79.3
Consultants and experts	203.5	199.6	3.9
Travel	4 487.8	3 812.6	675.2
Contractual services	18 716.4	15 834.6	2 881.8
General operating expenses	8 180.4	8 185.3	(4.9)
Hospitality	4.0	2.6	1.4
Supplies and materials	1 038.5	1 105.0	(66.5)
Furniture and equipment	2 688.2	4 480.7	(1 792.5)
Alterations to premises	640.5	418.9	221.6
Staff assessment	10 201.6	10 899.4	(697.8)
Total (gross)	**106 149.4**	**100 465.7**	**5 683.7**
Income from staff assessment	10 201.6	10 899.4	(697.8)
Other income	5.2	5.2	-
Total (net)	**95 942.6**	**89 561.1**	**6 381.5**

Posts (decrease: $4,112,700)

2. The savings represent 8.5 per cent of the appropriation under this object of expenditure and relate to reductions under salaries ($2,167,400), common staff costs ($641,100) and mission subsistence allowance ($961,600). An amount of $1,840,400 was generated under the Office of the Prosecutor and $2,272,300 under the Registry. The net savings are attributable to:

(a) A more favourable rate of exchange of the Netherlands guilder to the United States dollar;

(b) The higher actual average vacancy rates of 12.4 per cent and 6.9 per cent for posts in the Professional category and above and in the General Service and

related category respectively compared with the budgeted rates of 10.0 per cent and 5.0 per cent;

(c) The payment of daily subsistence allowance instead of mission subsistence allowance owing to the short time spent in field offices.

Other staff costs (decrease: $269,400)

3. The net savings are due to:

(a) Savings of $746,500 under general temporary assistance in the Registry due to delays in the recruitment of personnel to implement the projects, offset by the recruitment of an additional team of forensic experts under the exhumation programme in Kosovo in the Office of the Prosecutor ($129,800). This resulted in net savings of $616,700;

(b) Savings of $114,300 in overtime and night differential as a result of stricter controls over their use;

(c) Increased requirements of $461,600 for temporary assistance for meetings attributable to a much higher than forecast volume of documents that had to be translated in-house for security purposes and that required expertise at a relatively senior level.

Salaries and allowance of judges, including common staff costs (decrease: $79,300)

4. The savings are the result of lower requirements than budgeted.

Consultants and experts (decrease: $3,900)

5. Savings of $18,700 are due to the postponement to 2001 of a number of anticipated new trials. As a result, the Office of the Prosecutor used only 60 consultant-days of the 75 that had been budgeted. In addition, there were related savings in travel and subsistence costs as a result of favourable currency exchange rates. The savings were offset by additional requirements of $15,100 in the Registry for a consultant to complete a project, which was not finalized in 1999 as anticipated.

Travel (decrease: $675,200)

6. Savings of $1,049,100 result from reduced travel requirements in the Chambers ($23,800) and the Registry ($1,025,300) due to the need for fewer witnesses, support persons and dependants to travel to The Hague than anticipated. In addition, the cost of travel and accommodation were lower due to the favourable currency exchange rate and concerted efforts by the Tribunal to use the most economical means of travel available. The savings were offset by increased requirements of $373,900 in the Office of the Prosecutor for the continuation of the investigations in Kosovo, including the exhumation project.

Contractual services (decrease: $2,881,800)

7. The savings consist of $2,873,900 under the Registry and $7,900 for the Office of the Prosecutor, comprising the following:

(a) Savings of $2,373,500 under the provision for defence counsel resulting from fewer detainees than were estimated in the budget;

(b) Savings of $249,200 under the provision for detention services as a result of the favourable currency exchange rate;

(c) Savings of $104,000 under training, consisting of $7,900 for the Office of the Prosecutor and $96,100 for the Registry, resulting from difficulties in releasing personnel to participate in the full programme of training because of the increased activity in Kosovo;

(d) Savings of $160,500 under verbatim reporting resulting from the lower than anticipated number of courtroom sessions;

(e) Savings of $25,500 under other contractual services as a result of the lower than anticipated use of forensic analysis and decontamination services.

General operating expenses (increase: $4,900)

8. The net increase in requirements is the result of:

(a) Savings of $193,400 for the rental of premises as a result of favourable currency exchange rates ($259,400), offset by unbudgeted expenditures for the Transit House in Pristina (approximately $66,000);

(b) Additional requirements of $92,200 for the maintenance of premises due to the reconciliation by the landlord of maintenance charges for 1999, resulting in outstanding charges being paid in 2000;

(c) Savings of $30,300 for the rental of equipment;

(d) Savings of $304,300 for communications as a result of the installation of new-technology satellite access equipment, which permits access to more efficient demand-based satellite links and which resulted in a significant reduction in satellite transponder usage time and access charges;

(e) Savings of $141,500 for the maintenance of equipment as a result of favourable currency exchange rates and the relative newness of the vehicles, which required less maintenance;

(f) Additional requirements of $582,100 under other general operating expenses as a result of the settlement of a claim and the setting aside of amounts to meet possible claims against the United Nations following the deaths of detainees while in custody and the acquittal of accused persons following trial.

Hospitality (decrease: $1,400)

9. The decrease is due to a decrease in actual requirements.

Supplies and materials (increase: $66,500)

10. The increase relates to additional requirements of $68,700 for office supplies, $69,400 for photocopy paper and supplies, $4,300 for subscriptions, $15,700 for audio-visual supplies and $122,600 for sanitation and forensic supplies as a result of a higher than anticipated level of courtroom activities and an increase in exhumation activities by the Office of the Prosecutor. These increases were offset by savings of $45,600 for data-processing supplies, $5,000 for library books, $52,300 for

uniforms, $85,600 for petrol, oil and lubricants and $25,800 for other miscellaneous supplies. Data-processing supplies ordered in 1999 were delivered in 2000, resulting in a smaller quantity being purchased in 2000. In addition, the delivery of vehicles for the exhumation programme was delayed from January to July 2000, thus reducing the volume of fuel consumed. The cost of fuel was also lower than budgeted due to the favourable currency exchange rate.

Furniture and equipment (increase: $1,792,500)

11. The net increase was due to additional requirements totalling $1,859,200, of which $507,800 was for electronic data-processing equipment, $448,700 was for vehicles, $440,900 was for other equipment, $227,700 was for furniture and fixtures, $109,800 was for communications equipment, $76,200 was for computer software, $45,800 was for security equipment and $2,300 was for office equipment, offset by a decrease of $66,700 for audio-visual equipment. Activities related to the exhumation programme in Kosovo were significantly greater than anticipated, including the construction of morgue facilities, which required additional equipment of all types.

Alterations to premises (decrease: $221,600)

12. The budget included a provision of $433,000 to build a cafeteria at the Tribunal's headquarters in The Hague, which was not utilized since the lowest bid for the design (over $900,000) was not considered cost-effective, given the temporary nature of the Tribunal. A portion of those resources was partially redeployed to complete the alteration of a former industrial complex in Kosovo for use as a morgue building.

Staff assessment (increase: $697,800)

13. An increase of $697,800 was recorded under staff assessment. Income from staff assessment was increased by an equal amount.

III. Action to be taken by the General Assembly

14. The General Assembly is requested to take note of the present report.

Annex I

Performance indicators for 2000

As a result of the review of performance indicators in early 2000, a number of indicators were consolidated or discontinued. The indicators listed below therefore represent an amalgam of those previously reported and those to be used in future reporting.

Performance indicator (number)	*Projected*	*Actual*
A. Chambers		
Trials	8	13
Appeals	33	73
Court sessions	1 012	737
Plenary days	9	8
Documents filed (total pages)	55 000	79 321
Documents filed (Chambers pages)	4 000	3 604
Transcript pages	71 500	78 647
B. Office of the Prosecutor		
Prosecution Division		
Motions, applications and responses	450	400
Trials under preparation	12	8
Research papers (Legal Advisory Section)	20	20
Investigation Division		
Investigations	31	37
Witnesses interviewed	1 932	5 620
Search warrants obtained	4	14
Request for assistance in	360	590
Request for assistance out	1 000	1 391
Leadership research team		
Reports prepared	200	212
Military analysis team		
Reports prepared	600	612
Fugitive Intelligence and Sensitive Sources Unit		
Intelligence contacts	80	386
Forensic Unit		
Mass grave sites assessed for possible exhumation	27	288
Actual mass grave exhumations completed	110	264
Bodies exhumed	2 143	1 824
Post-mortems performed	2 143	1 824

Information and Evidence Section		
Documents held in the evidence collection		
Pages	1 800 000	2 128 000
Videos	2 600	3 936
Criminal intelligence database		
Relationships entered (cumulative total)	808 000	737 700
C. Registry		
Public Information Services		
Requests for documents	12 000	n/a
Press contacts	60 000	36 900
Visits arranged by universities, law societies, etc.		
Groups	240	160
Visitors	6 000	3 005
Internet home page queries	1.08 million	1.11million
Judicial Support Division		
Detention Unit		
Detainees (average)	40	35
Detainees transported	1 425	996
Visitor hours	25 391	16 946
Telephone calls monitored	16 622	27 552
Defence Counsel Unit		
Defence team members	125	125
Detainee visit permit applications	730	623
Library and Reference Unit		
Size of collection	5 000	5 074
Search requests	4 200	4 165
Legal database hours	1 800	1 541
Archiving Unit		
Documents filed	4 800	n/a
Records transferred (metres)	84	207
Requests for information	1 900	443
Legal Division		
Victims and Witnesses Section		
Witnesses	600	512
Witness days	4 800	3 703
Witnesses with additional protective measures	250	168
Relocation requests	20	15
Witnesses with additional support needs	120	141
Registry Legal Support Unit		
Contracts reviewed	36	
Research projects	15	

International agreements negotiated	27	
Administrative Support Division		
Office of the Chief of Administration (millions of United States dollars)		
Appropriation/expenditure (net)	$95.9	$89.6
Extrabudgetary expenditures (net)	$5.8	$5.4
Security and Safety Section		
Personnel screened on entry to building	295 200	479 200
Parcels inspected and X-rayed	82 140	89 468
Visitor badges issued	14 520	15 585
Finance Section (per month)		
Payroll calculations	1 100	1 111
Obligations	750	850
Invoices processed	1 600	1 563
Payments issued by cashier	2 100	2 276
Human Resources Section		
Posts on staffing table	882	848
Other personnel (extrabudgetary, trust fund)	250	350
Applications received	9 000	7 126
Offers of appointment made	400	480
Special service agreement contracts	800	908
Conference and Language Support Section		
Translation (pages translated per year)	80 000	67 238
Conference interpreters (days)	3 800	3 145
Field interpreters (days)	5 197	3 491
Verbatim reporting (days)		
French	2 790	1 906
English	465	427
Electronic Support and Communications Section		
Local Area Network Administration Unit support requests	6 500	4 723
Computer Support Unit (help desk) support requests	40 500	35 371
Audio-Visual Unit support requests	2 400	3 442
Communications Unit support requests	1 403	2 260
Training Unit — trainee days	2 700	2 129
Programming Unit — projects in progress	20	10
General Services Section		
Building Management Unit work orders completed	1 935	7 221
Graphics (requests for reproduction)	2 125	1 530
Protocol (visa/identity card applications)	3 072	3 736
Receiving and inspection (inspection reports)	692	1 030
Vehicle fleet	72	138

Procurement and Travel Section		
Procurement (purchase orders raised)	770	1 063
Travel (travel authorizations raised)	5 123	6 508

Annex II

Voluntary contributions and Trust Fund activities

1. The General Assembly, in its resolutions 49/242 B of 20 July 1995 and 53/212 of 18 December 1998, invited Member States and other interested parties to make voluntary contributions to the International Tribunal for the Former Yugoslavia that were acceptable to the Secretary-General. As at 31 December 2000, cash donations received for the Voluntary Fund to support the activities of the International Tribunal, established by the Security Council in its resolution 827 (1993) of 25 May 1993, was approximately $31,296,423. Of that amount, $1,539,864 relates to the period from 1 January to 31 December 2000 (see table II.1). In addition, as at 31 December 2000, cash pledges of $1,447,951 and in-kind contributions valued at approximately $1,210,000, excluding the costs of staff and experts on loan from Governments, international organizations and institutions, have been received (see table II.2).

2. Voluntary contributions have been utilized for activities in support of the Tribunal's prosecutorial and investigative activities, such as operations in Kosovo, a review of cases through the rules of the road project, assistance to victims and witnesses and procurement of equipment, books and periodicals for the library. Expenditures from the Voluntary Fund in 2000 amounted to $5,384,300 (see table II.3).

Table II.1
Total cash contributions to the Voluntary Fund, by contributor, since its inception
(United States dollars)

Donations from 25 May 1993 to 31 December 1999	29 756 559
Donations for the period from 1 January to 31 December 2000	
Canada	204 013
Denmark	50 000
Germany	100 000
Norway	32 189
Switzerland	112 000
United Kingdom of Great Britain and Northern Ireland	128 885
United States of America	100 251
European Union	810 330
Utrecht University	2 196
Subtotal	**1 539 864**
Total	**31 296 423**

Table II.2
Total cash pledges to the Voluntary Fund, by contributor, as at 31 December 2000
(United States dollars)

Bosnia and Herzegovina	45 455
Finland	170 000
Luxembourg	25 000
United States of America	702 309
European Union	503 687
German Bar Association	1 500
Total pledges as at 31 December 2000	**1 447 951**

Table II.3
Expenditures for the year 2000 as at 31 December
(Thousands of United States dollars)

Project	*Expenditure*
Rules of the road	317 900
Library	128 300
Kosovo operations	4 175 200
Outreach	514 700
Other activities	248 200
Total	**5 384 300**

3. The following major activities were funded by cash contributions to the Voluntary Fund during 2000:

(a) Rules of the road. The project produced summary translations and indexes of the tens of thousands of pages of materials submitted to the Tribunal. Funding was continued throughout 1999 and 2000 covering the costs of legal, translation, research and administrative staff for the project;

(b) Library. The European Commission continued its support to the Tribunal's library, enabling it to further develop its collection of books, legal journals and compact disk-based information. The acquisition of an electronic information system has enabled access to compact disk-based media and online legal databases. The Carnegie Foundation carried out this project;

(c) Kosovo operations. Contributions were received and utilized to assist the Tribunal with additional tasks arising from the conflict in Kosovo. The following are being funded under Kosovo operations: a Kosovo investigative team, a workload backfill project, a document exploitation project, assistance to local prosecutions and administrative, financial and interpretative support staff for the Kosovo operations;

(d) Outreach. Commencing in September 1999, the outreach programme has focused its efforts on improving the external perception of the Tribunal and its activities, particularly of the Chambers, as well as communicating those activities more clearly to the peoples of the former Yugoslavia. Voluntary contributions were used in the start-up phase for hiring staff, purchasing a vehicle for the field, general operating expenses and production and promotion costs;

(e) Other activities. The other activities included the investigation of demographic changes in Bosnia and Herzegovina, the provision of staff support to the Prosecutor in her efforts to persuade Governments to arrest persons indicted for war crimes and the provision of services in support of witnesses, including purchasing a vehicle for witness transport and providing medical services and clothing to witnesses and language training to staff assisting victims and witnesses.

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Fifty-sixth session
Agenda item 37
The role of diamonds in fuelling conflict

Letter dated 18 October 2001 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the provisional report of the Kimberley Process. You may recall that paragraph 6 of General Assembly resolution 55/56 of 1 December 2000 requests the countries participating in the Kimberley Process to present to the Assembly, no later than its fifty-sixth session, a report on progress made.

Participants of the Kimberley Process are currently engaged in a process to come up with a simple and workable international certification scheme for rough diamonds. In this regard, two more plenary meetings and a ministerial session of the Kimberley Process are scheduled for later this year. Please be informed that a comprehensive progress report will be forwarded to your office at the end of the year.

I have the honour to enclose herewith a provisional report of the Kimberley Process for your consideration in an attempt to keep the General Assembly informed of developments so far achieved.

(*Signed*) Dumisani S. **Kumalo**
Ambassador
Permanent Representative

01-59931 (E) 291001

Annex to the letter dated 18 October 2001 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

Provisional report of the Kimberley Process to the General Assembly, submitted in pursuance of Assembly resolution 55/56 of 1 December 2000

Summary

Operative paragraph 6 of the United Nations General Assembly (UNGA) resolution 55/56 adopted 1 December 2000 requests the countries participating in the Kimberley Process to present to the UNGA, no later than its 56th Session, a report on progress made. Resolution 55/56 also informs of the decision of the General Assembly to include in the provisional agenda of its 56 session the item entitled "The role of diamonds in fuelling conflict".

The Kimberley Process was established at the initiative of Southern African diamond producing countries to establish minimum common international standards for national certification schemes relating to the trade in rough diamonds. It is hoped that this will stem the flow of rough diamonds from rebel held conflict areas, in support of existing UN Security Council sanctions, thereby contributing substantially to peace efforts. The proposed certification scheme will also protect the legitimate diamond industry upon which many countries are dependent for their economic and social development.

It should be noted that the Kimberley Process, under the chairpersonship of South Africa, has since held the following meetings with the view to designing effective measures to break the link between diamonds and armed conflict:

1 Kimberley Process Meeting and Technical Workshop, Windhoek, 13 to 16 February 2001;

2 Kimberley Process Meeting, Brussels, 25 to 27 April 2001;

3 Kimberley Process Meeting, Moscow, 3 to 5 July 2001;

4 Kimberley Process Meeting, Twickenham, United Kingdom, 11 to 13 September 2001.

The above-mentioned Kimberley Process meetings summarised their proceedings by issuing communiqués that are herewith attached as appendices A to D respectively. A plenary meeting to be held in Angola from 30 October to 1 November 2001 and a plenary meeting in Botswana from 26 to 28 November 2001 will precede a Ministerial meeting in Botswana on 29 November 2001.

Participation at Kimberley Process Meeting

The Kimberley Process has striven to be inclusive by inviting States involved in producing, processing, exporting and importing of rough diamonds to join the process. Furthermore, the Kimberley Process has always been willing to welcome any state that indicates its interest to participate.

Representatives from the diamond industry and civil society are also active participants within the Kimberley Process.

The objectives

The Kimberley Process is addressing the problem of conflict diamonds. Its mandate is to create an effective and pragmatic international certification scheme for trade in rough diamonds that will be based primarily on national certification schemes. These national certification schemes should meet internationally agreed minimum standards that will be contained in the outcome document of the Kimberley Process.

Progress Report

The Kimberley Process meeting that took place in Windhoek adopted a roadmap (contained in the final Communiqué) to guide future meeting in devising an implementable, simple and workable international certification scheme for rough diamonds. The roadmap detailed meetings of the Kimberly Process in 2001 and the objective of each meeting.

The Kimberley Process has, to date, been able to keep to the roadmap. It met for the second time in Brussels from 25 to 27 April 2001. This meeting produced a consolidated paper that outlined the elements of a model certificate of origin in the context of a broader international certification scheme and considered the need for non-producing countries to certify their rough diamondexports. The Brussels meeting mandated one delegate to draft a non-paper containing all the elements of the envisaged certification scheme for rough diamonds.

The Moscow meeting made significant progress by adopting the abovementioned paper as the basis on which to organise its work and by introducing the need for the certification of all rough diamond exports. The working document outlines the proposed essential elements of an international system for certification of rough diamonds, including the internal controls that would be necessary to underpin the certificate. The meeting appointed coordinators to collate inputs to the various sections in the working document from participants.

The Twickenham meeting further refined the essential elements with the view to developing a consensus document. It was also agreed that additional work would be undertaken to assess the relationship between proposed elements of the envisaged certification scheme and international trade obligations, as well as elements relating to implementation of the proposed scheme in the European Community.

Among the issues in need of further consideration, are the type of instrument necessary to establish the envisaged certification scheme, when and how it would enter into effect and the mechanism with which it will be implemented and maintained.

Conclusion

The Kimberley Process recognises the urgency of addressing the conflict diamond issue and protecting the legitimate diamond trade. It therefore, remains committed to pursuing inclusive deliberations in order to refine proposals for the envisaged certification scheme and to reaching an agreement at the earliest possibility.

The outcome of the two forthcoming meetings in Luanda and Botswana would determine when the Kimberley Process would forward a consolidated progress report to the UNGA.

Appendix A

Kimberley Process Meeting and Technical Workshop, Windhoek, 13 to 16 February 2001

FINAL COMMUNIQUE

The first meeting to be convened under the "expanded" Kimberley Process mandated by the United Nations General Assembly (UNGA) Resolution 55/56 of 1 December, 2000 was held in Windhoek, Namibia from 13 – 16 February 2001. The meeting was held in two parts - an Officials session on 13 February followed by a Technical Workshop from 14 –16 February. In all, 26 governments, the World Diamond Council and representatives from SADC, the European Commission as well as civil society participated in the Technical Workshop.

The Technical Worskshop, which was officially opened by the Honourable, Mr J. Nyamu, Minister of Mines and Energy of Namibia, reviewed and discussed presentations from Angola and Sierra Leone on their respective certification systems; from Belgium on its import procedures; and from Russia and Israel on their national legislative frameworks. The Technical Workshop also considered a presentation by the Belgian Diamond High Council regarding possible minimum acceptable standards for certification.

The participants welcomed the UNGA Resolution as a significant step in efforts to break the link between conflict diamonds and armed conflict. In particular, participants recognized the need expressed in the Resolution to give urgent and careful consideration to devising effective and pragmatic measures to address the problem of conflict diamonds, including the creation and implementation of a simple and workable international certification scheme for rough diamonds.

At their session on 13 February, officials considered the UNGA Resolution's call for the development of detailed proposals for the envisaged international certification scheme for rough diamonds in close collaboration with the diamond industry and taking into account the views of the relevant elements of civil society. In order to move quickly towards the develoment of such proposals, officials outlined subsequent steps in the overall process. This "roadmap", which was discussed with industry and civil society representatives during the subsequent Technical Workshop, includes a series of focussed, expert meetings to develop various aspects of the envisaged international certification scheme for rough diamonds. An indicative schedule of meetings is attached as attachment 1. Every possible effort will be made to accelerate the process.

In order to facilitate and accelerate the expanded Kimberley Process, the meeting also agreed to establish a Task Force. This Task Force, which comprises diamond producing, exporting and manufacturing countries, SADC, the World Diamond Council and the European Union, with civil society as observers, will assist South Africa as the Chair of the Kimberley Process in tracking overall progress, proposing draft agendas for meetings and coordinating the preparation of detailed working papers for each meeting. The mandate, composition and initial terms of reference for the Task Force are attached as attachment 2. The Task Force will work in close cooperation with civil society.

The next meeting of the Kimberley Process will be held in Belgium in April 2001. It will concentrate on a detailed analysis of existing systems of export and import controls for

rough diamonds and an assessment of current practice and experience of existing national certification schemes for rough diamonds in Angola and Sierra Leone, with a view to identifying minimum acceptable standards for the envisaged international certification scheme. Subsequent meetings will develop detailed proposals for the international certification scheme itself, based on the agreed minimum acceptable standards, and for macro statistics on rough diamonds. A report will be presented to the 56th Session of the UNGA.

Attachment 1

KIMBERLEY PROCESS "ROADMAP"

In order to develop the detailed proposals for an international certification scheme for rough diamonds called for in UNGA Resolution 55/56 of December 1, 2000, Kimberley Process participants have agreed on a schedule of focussed, expert meetings. The indicative schedule for these meetings and the topics to be discussed at each meeting, is produced below. Every effort will be made to accelerate this schedule.

April 2001: Belgium

Analysis of import/export controls with a view to identification of elements of minimum acceptable standards for the international certification scheme for rough diamonds.

June 2001: Russian Federation

Definition of proposals for minimum acceptable standards.

September 2001: United Kingdom

Develop detailed proposals for the international certification scheme for rough diamonds based on the agreed minimum acceptable standards.

October 2001: Angola (to be confirmed by Angola)

Finalize detailed proposals for the international certification scheme. Consolidate input for report back to the UNGA.

November 2001: Botswana

Possible Ministerial Meeting.

Attachment 2

KIMBERLEY PROCESS TASK FORCE

MANDATE

To assist the Chair of the Process in the development of detailed proposals for the international certification scheme for rough diamonds envisaged in United Nations General Assembly Resolution 55/56 of 1 December 2000.

COMPOSITION

Under the general guidance of the Chair, the Task Force will include representatives of some or all of the following governments: Angola, Australia, Belgium, Botswana, Canada, China, Israel, Namibia, Russia, Sierra Leone, South Africa, Switzerland, the United Kingdom and the United States, officials of the SADC and the European Union, and the World Diamond Council. At the discretion of the Chair, others may subsequently be added to the Task Force. The Task Force will work in close consultation with civil society.

TERMS OF REFERENCE

To facilitate and accelerate the Kimberley Process, the Task Force will assist the Chair in tracking overall process, preparing draft agendas for meetings and coordinating the preparation of detailed working papers for each meeting.

With respect to the next meeting, and taking into account the statement of the Ministerial Conference held in Pretoria on 21 September 2000, as well as the report of the Working Group on Diamonds presented at that time, the Task Force is charged with preparing a working paper to serve as a basis for discussion. In preparing this working paper, which will be distributed to Kimberley Process participants at least three weeks before the meeting, the Task Force will:

1. Collect, collate and analyze existing systems of export and import control for rough diamonds including legislative regimes and others.

2. Analyse current practice and experience of national certification schemes for rough diamonds from Angola and Sierra Leone.

3. Identify elements to be incorporated into a set of minimum acceptable standards for the envisaged international certification scheme for rough diamonds.

4. Make recommendations with respect to subsequent steps in the development of the international certification scheme.

The Task Force will also draft detailed terms of reference for working papers for subsequent meetings as directed by the Chair and by the Process as a whole.

Appendix B

Kimberley Process Meeting, Brussels, 25 to 27 April 2001

FINAL COMMUNIQUE

The Kimberley Process met in plenary session in Brussels on 25 and 26 April 2001. In all, 38 governments, the World Diamond Council, SADC, the European Commission, the World Customs Organisation, representatives of the chairmen of the UN Sanctions Committees for Angola and Liberia, and representatives from civil society took part.

The State Secretary for Foreign Affairs of Belgium, Mrs Annemie Neyts-Uyttebroeck, formally opened the plenary. In line with the mandate agreed at its meeting in Windhoek in February, the Kimberley Process continued its detailed discussion on minimum acceptable standards for an international certification scheme for rough diamonds. This included presentations on the implementation of the national certification schemes in Angola and Sierra Leone, together with an overview of the preliminary results to date, of a detailed questionnaire on national import and export controls for rough diamonds. The Kimberley Process encourages those countries that have not yet done so, to submit their replies to the questionnaire.

The plenary also considered the preparations by the Kimberley Process Task Force, which at its second meeting earlier in April produced a working paper on key issues and questions for an international certification scheme. The participants in the Brussels meeting went on to consider the output represented by the returned questionnaires, the current national certification schemes and the Task Force working paper, in order to further develop minimum acceptable standards.

To this end, the plenary divided itself into two working groups. The first, led by Namibia and Russia, considered possible common elements for a certificate of origin within the context of a broader certification scheme. An in-depth discussion took place on the specific content of the proposed certificates of origin, while preliminary discussion took place on subjects such as controls to first export, and the necessary legislative frameworks. There was emerging consensus on the common elements of the certificate of origin as a building block for a certification scheme for rough diamonds, as outlined in the document presented by the breakaway working group (see attachment). It was also noted that the proposed certificates of origin would be relevant only to producer countries.

The second group, led by the European Commission and Angola, examined issues from the perspective of the importer, user and re-exporter of rough diamonds, and considered the application of minimum standards to specific issues such as free zones and goods of mixed origin. Also discussed was the possible role of certificates of legitimacy in the proposed international certification scheme.

The working groups will continue to generate discussion documents in preparation for the next meeting in Moscow. The plenary considered and accepted the reports from the working

groups. The plenary considered and accepted the reports from the working groups. The plenary agreed to evaluate a set of minimum acceptable standards for certificates, with the undertaking that these and any subsequent, additional elements should be prepared for formal adoption at the Kimberley Process plenary in Moscow in June.

In addition, the plenary mandated the Task Force to continue with the preparatory work for the next meeting in Moscow and to provide documentation to the Kimberley Process participants three weeks before the meeting.

Attachment

WORKING DOCUMENT ON A PROPOSAL FOR THE ADOPTION OF A MODEL CERTIFICATE OF ORIGIN IN THE CONTEXT OF A BROADER INTERNATIONAL CERTIFICATION SCHEME

I. Physical Parameters of proposed Document

1. Size: A4 (297mm x 210mm)

This is the size of the Certificates of Origin of Angola and Sierra Leone. Also the future CoO's for Guinea and DRC will be this size.

2. Layout:

Landscape printing

3. Parts:

Every Certificate of Origin consists of three (3) parts:

1. A Certificate of Origin–part (e.g. 210mm x 197mm);
2. A detachable Import Confirmation Certificate-part (e.g. 210mm x 70mm);
3. A detachable Security Slip-part (e.g. 210mm x 30mm).

4. Paper

Security paper (cotton based) with added chemicals to avoid tampering and containing UV activated fibres in the mass of the paper.

5. Security features:

- Continuous Watermark visible throughout the whole document (3 parts) eventually combined with a 'placed watermark' on the CoO-part.
- Intaglio printed border on Certificate of Origin-part.

· Microprinting throughout the whole document (3 parts).

· Optically Variable Inks (OVI) or other optical effect such as hologram (to render copying of the Certificate of Origin impossible).

· Numbering on all parts in black as well as in UV ink and additional perforated number.

· UV ink printed special design feature on CoO-part (e.g. coat of arms).

· Other non-disclosed specified security features.

6. Numbering/coding:

· Every Certificate of Origin has a unique sequential number (e.g. 000123) that is printed on all parts of the document (i.e. CoO-part; ICC-part; Security Slip-part).

ONLY 1 (ONE) PHYSICAL CERTIFICATE OF ORIGIN CAN EXIST BEARING THIS PARTICULAR SEQUENTIAL NUMBER

· As an additional security feature, every Certificate of Origin has a unique perforated alphanumeric code/ number (e.g. A52349) that is visible on the CoO-part and on the ICC-part. The first character of this code mayrepresent the printing series from which the document has been derived.

7. Printshop:

· To avoid that the Certificate of Origin would be perceived as flawed because of the possibility that the printshop would print more –illegal- copies of the same Certificate of Origin, only printshops accredited at the Association of Security Printers can be accepted.

II. Contents

A. CERTIFICATE OF ORIGIN –part

The Certificate of Origin must contain all the relevant information necessary to authenticate the country of origin of a shipment of rough diamonds.

The minimum requirements of the contents are:

· Country of Origin

· Issuing authority or exporting authority

· Description of the goods (e.g. Rough (Uncut) Diamonds)

- Identification of Consignee (Name; Address)
- Identification of Exporter (Name; Address; o.d.)
- Identification of parcel (Parcel code/number; Invoice reference)
- Total Mass (weight) in carats; Total values in US $
- Data of issuance
- Set of authorised stamps and signatures
- Lists quality characteristics (classification; mass/weight in carats; where applicable quantity = number of pieces) on reverse side.

B. IMPORT CONFIRMATION CERTIFICATE –part

The Import Confirmation Certificate is a detachable part of the Certificate of Origin that accompanies the parcel.

Objectives:

- To create a closed loop between the exporting and importing authority
- To match imports and exports of both importing and exporting countries
- To create a complete audit trail

Upon importation, the Importing Authority must date, sign and stamp the ICC in due form and return it to the Exporting Authority in the Country of Origin to create the closed loop effect.

For auditing purposes, the Importing Authority must retain a copy of the filled –out ICC-part and keep it on record together with the original copy of the CoO-part.

Upon importation, the Importing Authority must date, sign and stamp the ICC in due form and return it to the Exporting Authority in the Country of Origin to close the loop.

For auditing purposes, the Importing Authority must retain a copy of the completed ICC-part and keep it on record together with the original copy of the CoO-part.

C. SECURITY SLIP –part

The detachable Security Slip will be securely fixed and sealed by the Exporting Authority on the box containing the shipment in such a way that opening the box will automatically

rupture and break the Security Slip. It constitutes a physical link between the actual parcel of diamonds and the documents guaranteeing their origin.

- contains same sequentially printed number as on other parts, confirming the authenticity of the parcel

- is to be fixed and sealed on the box containing the diamonds

- guarantees an indelible link between CoO and physical parcel of diamonds

NOT TO BE BROKEN IN TRANSIT – the box may only be opened by the Importing Authority at the Destination

Appendix C

Kimberley Process Meeting, Moscow, 3 to 5 July 2001

Final Communiqué

All participants agreed that significant progress was made in identifying the essential elements of a system to combat conflict diamonds. The participants further expected to be able to present to the 56th Session of the United Nations General Assembly, the report on progress required from the Kimberley Process.

From 3 to 5 July 2001 the Kimberley Process met in Plenary Session in Moscow. Representatives of 34 governments, the European Commission, as well as representatives of the international diamond industry, notably the World Diamond Council (WDC), and non-governmental organisations took part in the meeting. The main objective of the meeting was to define minimum acceptable standards for an international system of certification of rough diamonds, consistent with the mandate set out in the United Nations General Assembly Resolution 55/56 of 1 December 2000.

The Kimberley Process Task Force met on 2 July in preparation for the Plenary Session. The Task Force considered a framework paper outlining proposed essential elements of the envisaged system of certification. The Task Force also welcomed the results of the global survey on import and export controls relating to the trade in rough diamonds and took note of several discussion papers prepared in response to the decisions taken at the previous Kimberley Process meeting in Brussels, in April 2001.

Participants at the Plenary agreed in principle on the basic elements of an international system for certification of rough diamonds. These elements will be elaborated further in preparation for the next meeting of the Kimberley Process. This will include the formal and content of certificates accompanying rough diamonds, plus the minimum standards which both support those certificates and underpin the whole system.

Russia presented a model certificate and container sample for storing and transporting of rough diamonds that might be used within the framework of the international scheme being developed, and Guinea presented its Certificate of Origin that was introduced on 18 June 2001.

The importance of putting in place adequate national monitoring and control systems to promote transparency and accountability was agreed upon. The progress achieved in implementing the sanctions regimes in Angola and Sierra Leone was welcomed.

Participants welcomed proposals from the World Diamond Council for a system of industry self-regulation, based on a chain of warranties. Wherever possible these warranties would be legally endorsed by the respective governments. It was recognised that such a system of self-regulation would form an integral part of the overall certification scheme.

Based on the achievements of the Moscow plenary meeting the Kimberley Process is able to proceed with the further definition and refinement of detailed proposals for the envisaged certification scheme. The next meeting of the Kimberley Process is scheduled to take place in London in September 2001.

Appendix D

Kimberley Process Meeting, Twickenham, United Kingdom, 11 to 13 September 2001

Final Communiqué

The Kimberley Process met in plenary session in Twickenham from 11 to 13 September 2001. Representatives of 32 governments, the European Community, as well as representatives of the international diamond industry, notably the World Diamond Council, and non-governmental organisations, took part in the meeting. In line with the Road Map agreed at the plenary in Windhoek in February 2001, and building on significant progress achieved at the plenary sessions in Brussels in April and Moscow in July, the Twickenham meeting focussed on the refinement of detailed proposals for the international certification scheme for rough diamonds, based on agreed minimum common standards.

Participants at the plenary considered a revised version of a draft document setting out the essential elements of an international certification scheme for rough diamonds. They agreed in principle on the following proposals for key elements for an international certification scheme:

- the use of forgery-resistant certificates and tamper-proof containers for shipments of rough diamonds

- internal controls and procedures which provide credible assurance that conflict diamonds do not enter the legal market

- a certification process for all exports of rough diamonds

- the collation, and sharing with other participants, of relevant production, import and export data on rough diamond

- credible monitoring and oversight of the international certification scheme for rough diamonds

- effective enforcement of the provisions of the certification scheme, i.a. by effective, dissuasive and proportional penalties to violations of this legislation

- the useful role of self-regulation by the diamond industry which will fulfil minimum requirements

- the sharing of information with all other participants on relevant rules, procedures and legislation, as well as examples of national certificates used to accompany shipments of rough diamonds

There was further agreement that, subject to refinement and final endorsement, the above key elements would form the basis of an international certification scheme. Participants will continue their deliberation on all aspects of the scheme, including the nature of the international instrument in which the certification scheme will be reflected, on how a monitoring system can be made credible and with industry on the interaction between self-regulation and the scheme. It was also agreed that additional work would be undertaken to assess the relationship between proposed elements of the envisaged certification scheme and international trade obligations, as well as elements relating to implementation of the proposed scheme in the European Community.

The next meeting of the Kimberley Process is due to take place in Luanda, Angola from 30 October to 1 November 2001.

The Kimberley Process will report to the 56th session of the United Nations General Assembly on progress achieved.